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TN REGULATORY AUTHORITY  
DOCKET ROOM



Via Federal Express

March 7, 2003

Tennessee Regulatory Authority  
Attn: Sara Kyle, Chairperson  
460 James Robertson Parkway  
Nashville, TN 37243-0505  
(615) 741-2904

RE: GLH Communications, Inc. - Application for E.T.C. Designation

03-00255

Dear Ms. Kyle,

Enclosed for the Tennessee Regulatory Authority's review is one (1) original and thirteen (13) copies of GLH Communications, Inc.'s, dba "Clear Talk," Application for Designation as an Eligible Telecommunications Carrier. Also enclosed is one additional copy (labeled "Copy") for our records. Please date-stamp the "Copy" and return to us in the stamped, self-addressed envelope that is also enclosed for your convenience.

Thank you for your quick consideration and please contact me if you have any questions; my direct line is (310) 548-0939.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "SPF", is written over a horizontal line.

Sean P. Farrell  
General Counsel

Cc: Glenn W. Ishihara, President  
Heinz Steinmann, General Manager

**T 731.427.4800**  
**F 877.367.6824**

GLH Communications, Inc. dba Clear Talk  
301 E. Lafayette Street  
Jackson, TN 38301

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**IN THE MATTER OF THE APPLICATION )  
OF GLH COMMUNICATIONS, INC., DBA )  
"CLEAR TALK," FOR DESIGNATION AS )  
AN ELIGIBLE TELECOMMUNICATIONS )  
CARRIER IN TENNESSEE )**

**Docket No. \_\_\_\_\_**

**APPLICATION OF GLH COMMUNICATIONS, INC., DBA "CLEAR TALK,"  
TO BE DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Pursuant to Section 214 and 254 of the Communications Act of 1934, as amended (the "Act"),<sup>1</sup> GLH Communications, Inc., a Commercial Mobile Radio Service ("CMRS") carrier doing business as Clear Talk (hereinafter, "Clear Talk"), hereby respectfully requests that the Tennessee Regulatory Authority ("TRA") designate Clear Talk as an Eligible Telecommunications Carrier ("ETC") pursuant to Section 254(c) of the Act.<sup>2</sup> Clear Talk seeks ETC status for the entire study areas for which it is licensed by the Federal Communications Commission ("F.C.C.") to provide wireless communications service, as shown on the maps attached hereto as Exhibit 2.<sup>3</sup> As explained below, Clear Talk meets the requirements of the Act and the TRA should therefore grant ETC status to Clear Talk.

In support of its Application, Clear Talk submits the following:

<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996). The 1996 Act amended the Communications Act of 1934, 47 U.S.C. § 151 et seq. (the "Act"); see 47 U.S.C. §§ 214, 254.

<sup>2</sup> 47 U.S.C. § 254; see also 47 U.S.C. § 214(e)(2).

<sup>3</sup> Maps showing Clear Talk's current coverage areas are also attached hereto as part of Exhibit 2.

1. Clear Talk conducts business in Tennessee through two wholly-owned operating subsidiaries: NTCH-West Tenn, Inc., a Tennessee corporation; and NTCH-ET, Inc., a Tennessee corporation. NTCH-West Tenn, Inc.'s principal offices are located at 301 East Lafayette Street, Jackson, Tennessee, 38301, telephone (731) 427-4800, fax (731) 427-7050. NTCH-West Tenn, Inc. was granted authority to conduct business in Tennessee by order of the Tennessee Secretary of State dated April 26, 2001. Heinz Steinmann is the general manager for NTCH-West Tenn, Inc., and can be contacted at the telephone number and address shown above. NTCH-ET, Inc.'s principal offices are located at 447 South Jefferson Avenue, Suite C, Cookeville, Tennessee 38501, telephone (931) 372-0013, fax (931) 372-0016. NTCH-ET, Inc. was granted authority to conduct business in Tennessee by order of the Tennessee Secretary of State dated April 26, 2001. Heinz Steinmann is the general manager for NTCH-ET, Inc., and can be contacted at Clear Talk's west Tennessee offices in Jackson, Tennessee (see paragraph above). NTCH-West Tenn, Inc. and NTCH-ET, Inc. have obtained authority to transact business in the State of Tennessee, permitted as set forth in the provisions of the Tennessee Code, Title 48, Chapter 11, Part 309.

2. Pursuant to the Federal Communications Commission's ("FCC") *Report and Order*,<sup>4</sup> Section 214(e) of the Act governs whether a telecommunications carrier qualifies as an ETC.<sup>5</sup> Under this section, a state commission has the authority to designate a common carrier as an ETC if the state commission determines that

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<sup>4</sup> *In re Federal-State Joint Board on Universal Service*, Report and Order, FCC 97-157 at ¶¶ 130-136 (rel. May 8, 1997).

<sup>5</sup> 47 U.S.C. § 214(e).

carrier has met the requirements of Section 214(e)(1). Section 214(e)(1) requires that a common carrier meet the following requirements throughout its entire service area to qualify as an ETC: (i) it must offer services supported by the federal universal service support under Section 254(c), using its own facilities or a combination of its own facilities and resale of another carrier's facilities; and (ii) it must advertise the availability of such services and charges, using media of general distribution (e.g., newspaper, radio, etc.). If the carrier meets these requirements and the state commission determines that the grant of ETC status is consistent with the public interest, convenience, and necessity, the carrier will qualify for universal service support. As discussed below, Clear Talk meets each of the Section 214 requirements.

- a. Clear Talk offers services supported by Federal universal service support under Section 254(c) using its own facilities and the resale of other carriers' facilities.<sup>6</sup> Clear Talk operates a state-of-the-art voice wireless CMRS network in its licensed service areas (see Exhibit 2). Clear Talk offers a flat-rate calling plan, with unlimited local calls and optional long distance, to approximately 12,000 existing customers. Moreover, Clear Talk is adding hundreds of new customers each month.
- b. Clear Talk provides telecommunications services supported under Section 254(c)<sup>7</sup> in its licensed service areas (see Exhibit 2). Clear Talk is licensed

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<sup>6</sup> Clear Talk's services are set forth in section 3 of this Application.

<sup>7</sup> See 47 U.S.C. § 254(c).

by the F.C.C. to provide PCS communications services in the following BTAs in Tennessee: BTA No. 96 (Cookeville, Tennessee), BTA No. 120 (Dyersburg, Tennessee), BTA No. 146 (Florence, Alabama, but including areas in Tennessee), BTA No. 211 (Jackson, Tennessee), BTA No. 229 (Kingsport-Johnston City, Tennessee).<sup>8</sup> Clear Talk is therefore licensed to provide service in all or a portion of the following counties in Tennessee: Chester, Crockett, Dyer, Fentress, Gibson, Henderson, Jackson, Madison, Obion, Overton, Pickett, Putnam, Weakley, and White.

- c. Clear Talk plans to advertise the availability and price of the listed universal services pursuant to Section 254(c) throughout the areas in which Clear Talk is designated as an ETC. Clear Talk will advertise using, at a minimum, publication in various newspapers of general circulation (including but not limited to Chronicle, The City, The Herald Citizen, The Jackson Sun, Metro Forum, Thrifty Nickel, West Tennessee Examiner) throughout Clear Talk's service areas, or by other means as Clear Talk's management may direct using good business practices and such guidance as the TRA has or may establish.

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<sup>8</sup> Based on the F.C.C.'s BTA areas, Clear Talk is also licensed provide service in several neighboring states (e.g., BTA No. 146 includes, Florence, Alabama, No. 229 includes Bristol, Virginia, and BTA No. 295 includes Middlesboro, Kentucky, while BTA No. 49 [Blytheville, Arkansas] does not include any areas in Tennessee), but those service areas are not included in this Application to the Tennessee Regulatory Authority.

3. Section 254(c) of the Act and FCC Rule Section 54.101<sup>9</sup> establish “core” or designated services that are supported by federal universal service support mechanisms. The core services include: (i) voice grade access to the public switched network; (ii) an amount of local usage free of (additional charge); (iii) functional equivalent of dual-tone multi-frequency signaling; (iv) single party service; (v) access to emergency service where available; (vi) access to operator services; (vii) access to interexchange service; (viii) access to directory assistance; and (ix) toll limitation for qualifying low-income customers. As described below, Clear Talk provides all of these core services, as required.

- i. Voice-Grade Access to the Public Switched Network. As an existing CMRS provider in Tennessee, Clear Talk provides voice-grade access to the public switched network. Through an interconnection agreement with a Regional Bell Operating Company (BellSouth), Clear Talk is able to originate and terminate telephone service for all of its customers.
- ii. Local Usage. Clear Talk currently offers *unlimited local usage* in its monthly service plan – *at no additional charge*. Clear Talk’s unlimited local calling plan therefore satisfies the local usage criterion for E.T.C. designation based upon its offering of a flat-rate unlimited local usage calling plan.

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<sup>9</sup> 47 C.F.R. § 54.101.

- iii. Functional Equivalent of Dual-Tone Multi-Frequency Signaling. Clear Talk currently uses out-of-band digital signaling and in-band multi-frequency (“MF”) signaling that is functionally equivalent to dual-tone multi-frequency (“DTMF”) signaling. Clear Talk therefore meets the E.T.C. requirement to provide DTMF signaling or its functional equivalent.
- iv. Single Party Service. Clear Talk meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.
- v. Access to Emergency Service Where Available. Clear Talk currently offers 911 access to emergency service throughout its service areas. Enhanced 911 (“E911”), which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is required only if a public emergency service provider makes arrangements for the delivery of such information. To date, the public emergency service provider in Putnam County has requested Phase I compliance, and Clear Talk was Phase I compliant as of February 6, 2003. Clear Talk has also received a general Phase I compliance request from the State of Tennessee, and Clear Talk is actively working with the State of Tennessee authorities to attain Phase I compliance in all counties in which Clear Talk offers service. By

providing 911 service and being actively engaged with the State of Tennessee towards attaining E911 Phase I compliance in all counties where service is offered, Clear Talk meets the E.T.C. requirement of providing access to emergency service where available.

- vi. Access to Operator Services. Clear Talk offers its customers access to operator services and will continue to make such services available throughout its designated service areas.
- vii. Access to Interexchange Service. Clear Talk presently meets the E.T.C. requirement to provide all of its customers with the ability to make and receive interexchange or toll calls through direct interconnection arrangements that Clear Talk has with an interexchange carrier ("IXC").
- viii. Access to Directory Assistance. Clear Talk meets this E.T.C. requirement because all of its customers may access directory assistance.
- ix. Toll Limitation for Qualifying Low-Income Customers. Clear Talk currently provides toll blocking services – at no charge -- for international calls and for all toll calls (unless the customer purchases Clear Talk's optional long distance service). Clear Talk will utilize the same toll blocking technology to provide toll limitation for qualifying low-income customers, at no charge, as part of its universal service offering.



Because Clear Talk offers all of the services required by the Commission for E.T.C. designation, Clear Talk therefore meets the service element for E.T.C. designation in its service areas in southeast Tennessee.

4. Clear Talk will offer LifeLine and LinkUp services to qualifying low-income consumers consistent with federal and state rules, regulations and guidelines.<sup>10</sup>
5. Clear Talk has demonstrated its ability to fulfill its obligations, as set forth in this Application, for designation as an ETC. Clear Talk respectfully submits that its request for ETC designation serves the public interest, convenience and necessity because it will allow Clear Talk to ensure that its resources are committed to the provision and preservation of universal service.

The TRA's designation of Clear Talk as an E.T.C. in Clear Talk's service areas will clearly advance the public interest by promoting competition and customer choice in the provision of universal services, which in turn directly benefits Tennessee consumers, especially in rural and high-cost areas. As the Federal Communications has noted, the goal of the federal 1996 Telecommunications Act is to establish "a pro-competitive . . . framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition." In particular, designating

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<sup>10</sup> Upon designation as an E.T.C., Clear Talk will make Lifeline service available to low-income customers, pursuant to 47 C.F.R. § 54, subpart E, and will offer toll blocking in satisfaction of the 47 C.F.R. § 54.101(a)(9).

Clear Talk as an E.T.C. will advance universal service in Tennessee by (1) increasing customer choice, especially in rural and high-cost areas, (2) increasing innovative services, and (3) increasing the availability of new technologies at competitive prices.

Because Clear Talk meets or exceeds the statutory requirements and designation of Clear Talk as ETC is consistent with the public interest, convenience, and necessity, the TRA should grant ETC status to Clear Talk, thereby allowing Clear Talk to qualify for universal service support. For the foregoing reasons, Clear Talk respectfully requests that the TRA designate Clear Talk as an ETC within Clear Talk's respective service areas (as shown on Exhibit 2). Clear Talk also submits that an expedited grant of this Application is in the public interest, convenience, and necessity, and is consistent with Section 214 and 254 of the Act.

Respectfully Submitted,

**GLH Communications, Inc.**  
**dba "Clear Talk"**



Sean P. Farrell  
General Counsel

March 5, 2003

## **EXHIBITS**

**Exhibit 1:** Declaration of Heinz Steinmann, General Manager of GLH Communications, Inc. and its subsidiaries, NTCH-West Tenn, Inc. and NTCH-ET, Inc. (collectively doing business as “Clear Talk”), certifying Clear Talk’s compliance with E.T.C. requirements.

**Exhibit 2:**

- Map of F.C.C.-defined BTAs Where Clear Talk Is Licensed To Provide Service
- Map of Clear Talk West Tennessee Coverage Areas
- Map of Clear Talk East Tennessee Coverage Areas

## **EXHIBIT 1**

### **DECLARATION OF HEINZ STEINMANN**

I, Heinz Steinmann, do hereby declare under penalty of perjury, as follows:

1. I am the General Manager for GLH Communications, Inc. ("GLH") and I am also the General Manager for GLH's two, wholly-owned subsidiaries, NTCH-West Tenn, Inc. and NTCH-ET, Inc., which operate GLH's wireless licenses in Tennessee. GLH and its subsidiaries do business collectively as Clear Talk ("Clear Talk"). Clear Talk provides wireless telecommunications services in the services areas in Tennessee shown on the maps attached to this Application as Exhibit 2.

2. This declaration is submitted in support of Clear Talk's Application for Designation as an Eligible Telecommunications Carrier to serve Clear Talk's service areas in Tennessee (the "Application").

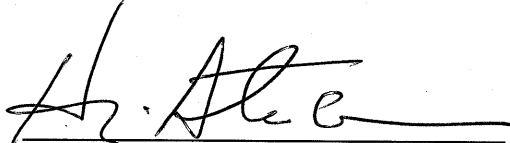
3. I declare and certify as follows, and as described in the Application, that:

(i) Clear Talk offers wireless telecommunications service in the areas shown on the maps attached as Exhibit 2 to Clear Talk's Application; (ii) as set forth in the Application, Clear Talk offers, or will offer, all of the services designated by the TRA and FCC for support pursuant to 47 U.S.C. § 254(c) and 47 C.F.R. § 54.101; (iii) Clear Talk offers, or will offer, the supported services using its own facilities and the facilities of other carriers with whom Clear Talk contracts for services; and (iv) Clear Talk advertises, and will advertise, the availability of the supported services and the charges therefore using media

of general distribution, including radio, newspaper and billboard advertising, specially targeted advertising, and potentially television as well.

4. I further declare that I have reviewed the Application and that the facts stated therein, of which I have personal knowledge, are true and correct to the best of my knowledge and belief.

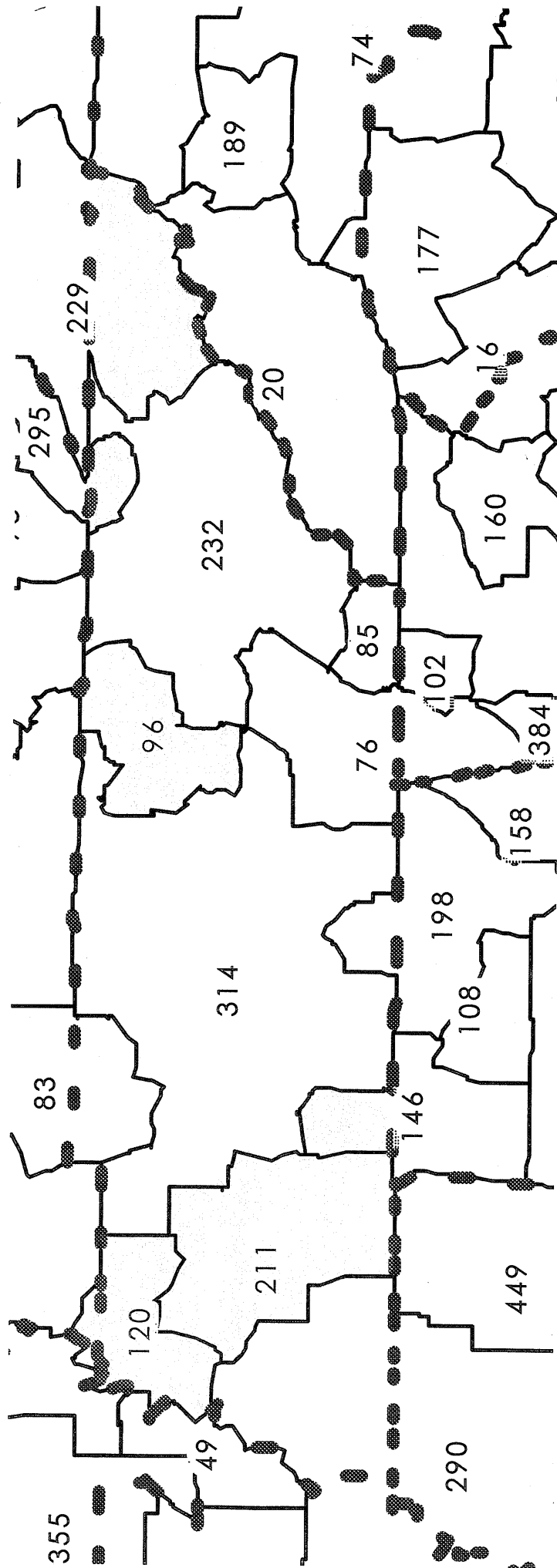
Date: 3-10-03

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Heinz Steinmann  
General Manager, GLH Communications, Inc.,  
General Manager, NTCH-West Tenn, Inc.,  
General Manager, NTCH-ET, Inc.,  
collectively doing business as "Clear Talk"

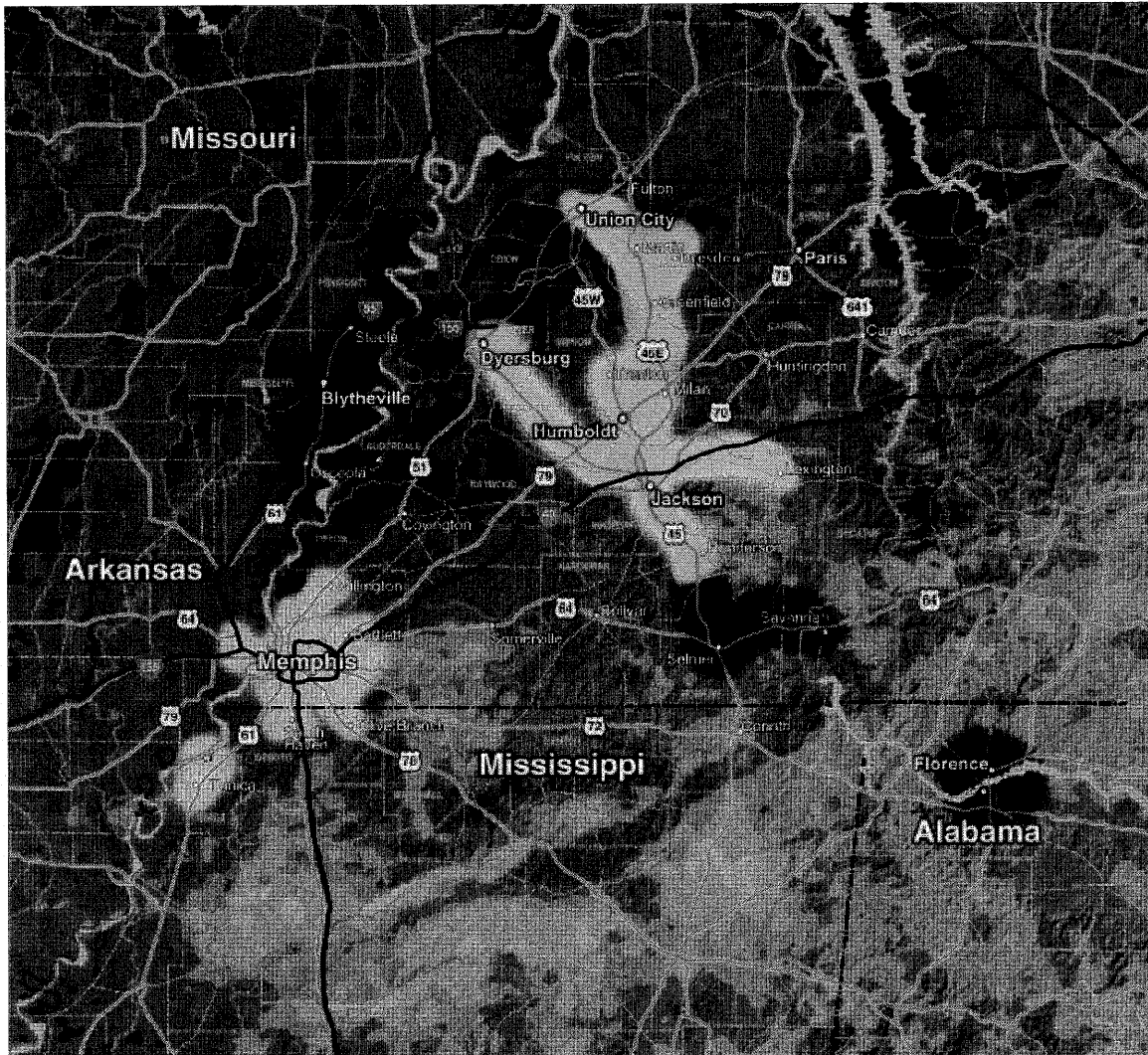
**EXHIBIT 2**

**Map Of F.C.C.-defined BTAs Where Clear Talk Is Licensed To Provide Service**



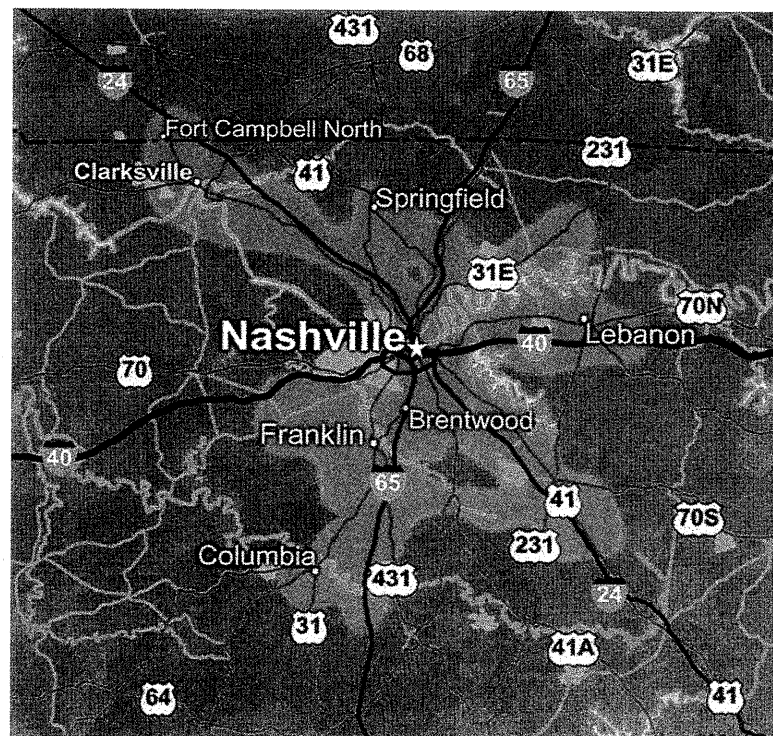
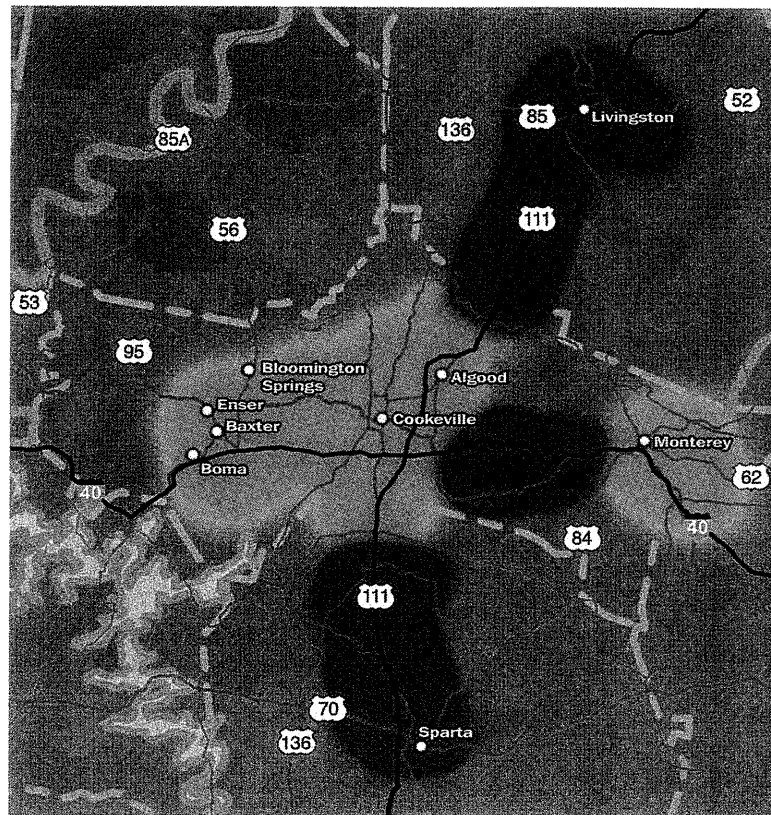
**EXHIBIT 2 (continued)**

**Clear Talk – West Tennessee Coverage Areas**



**EXHIBIT 2 (continued)**

**Clear Talk – East Tennessee Coverage Areas**





## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this 10 day of MARCH, 2003, served the foregoing APPLICATION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER upon all parties of record in this proceeding by delivering an original and 13 copies thereof via Federal Express to:

TENNESSEE REGULATORY AUTHORITY  
Attn: Sara Kyle, Chairperson  
460 James Robertson Parkway  
Nashville, TN 37243-0505  
(615) 741-2904

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Clear Talk  
301 E. Lafayette Street  
Jackson, TN 38301  
(731) 427-4800